

## Social housing solutions for internally displaced and conflict-affected population: comparative analysis of Bakhmut, Slovyansk and Kramatorsk projects



***The Norwegian Refugee Council has analysed three projects of allocation of social housing<sup>1</sup> for internally displaced (IDPs) in Donetsk oblast. Such allocations are complicated, as Ukrainian legislation does not list IDPs among the categories of population entitled for social housing. The only case when the local council managed to provide social housing to IDPs was through the application of the Laws “On Local Self-Government in Ukraine” and “On Housing Fund for Social Purposes”***

### BAKHMUT

In 2016, Bakhmut City Council secured the funding from the Cabinet of Ministers of Ukraine<sup>2</sup> for the reconstruction of the dormitory<sup>3</sup> where 16 apartments should have been provided to IDPs and army personnel. The project was justified by the fact that in 2015 the population of the city doubled due to the influx of IDPs and dislocation of military.

90% (5 079 334 UAH) of the project costs were financed from the State fund of regional development (State budget) and 10% (564 370 UAH) were covered from the local budget.

The construction work was completed in late 2016. In February 2017, all 16 apartments were distributed solely among the families of the army personnel serving in the military unit deployed in Bakhmut. Not a single internally displaced benefitted from the project, because national legislation does not provide a mechanism for distribution of housing to this vulnerable category, and the local council did not take steps to exercise its authority in providing temporary accommodation to IDPs in line with Articles 9 and 11 of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons”.

<sup>1</sup> All references to social housing in this text shall be understood in line with the Law of Ukraine “On Housing Fund for Social Purposes”, according to which social housing is a free housing allocated for socially non-protected citizens for their temporary use based on rent agreement.

<sup>2</sup> On 06 August 2014, the Cabinet of Ministers of Ukraine adopted the State Strategy of Regional Development for the period 2014-2020, which provides for participation of the cities in infrastructure projects and possibility of subsidised financing (90% from the State Fund of Regional Development and 10% of local budget). In 2015, the Bakhmut City Council submitted a project proposal to the Ministry of Regional Development and pledged to distribute 16 apartments of reconstructed dormitory among IDPs and army personnel. In 2016, the Cabinet of Ministers adopted the list of projects, including the Bakhmut City Council’s <http://zakon2.rada.gov.ua/laws/show/362-2016-%D1%80>.

<sup>3</sup> Address of the dormitory: 78A Garshin Street, Bakhmut.

## SLOVYANSK

The Slovyansk City Council launched an EU-funded project “Housing for Internally Displaced Persons” on 03 April 2015. The project aims to reconstruct two dormitory units of communal property<sup>4</sup>, and to distribute premises among vulnerable categories of internally displaced and conflict-affected people. The beneficiaries are expected to pay utility bills, until durable housing solutions were found, at which time the dormitories will be turned into service housing units for families of teachers and health workers of the city of Slovyansk.<sup>5</sup>

Due to constant failures of the Slovyansk City Council to hold a tender and, subsequently, to select a contractor, the construction work started only in April 2017.

## KRAMATORSK

On 17 April 2015, the Kramatorsk City Council launched an EU-funded project “Housing Provision for Vulnerable IDPs and Conflict-Affected Local Residents in the City of Kramatorsk”. The project aims to provide temporary accommodation to 253 most vulnerable internally displaced and conflict-affected people, including families with more than three children, individuals with disabilities, elderly, orphans, war veterans, victims of Chornobyl catastrophe and single mothers. The intervention envisaged reconstruction of dormitories<sup>6</sup> and renting apartments to the above mentioned categories of people for affordable (subsidised) fee.

In late 2016, just before finishing the construction work, the Kramatorsk City Council failed to distribute the housing units due to legal complications. Ukrainian legislation on social housing does not refer internally displaced people to the vulnerable categories entitled to social housing. However, Articles 9 and 11 of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” stipulate the duty of local authorities to provide free temporary accommodation for IDPs.

In January 2017, the Kramatorsk City Council established a working group to address this legal obstacle. Following several months of intensive consultations between local authorities, civil society, humanitarian community and affected population, on 03 May 2017, the Kramatorsk City Council adopted relevant regulations. In order to implement Articles 9 and 11 of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons”, the Kramatorsk City Council relied on Article 26 of the Law of Ukraine “On Local Self-Government”, which provides for exclusive competence of local councils with respect to alienation, concession and other usage of communal property, as well as Article 2 of the Law of Ukraine “On Housing Fund for Social Purposes” that grants the distribution of social housing powers to local councils. Articles 10 and 11 of the Law “On Housing Fund for Social Purposes” list categories of people entitled to social housing and the most vulnerable groups eligible for preferential treatment.

### Legal framework related to Kramatorsk project:

1. Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons”  
<http://zakon3.rada.gov.ua/laws/show/1706-18>
2. Law of Ukraine “On Local Self-Government in Ukraine”  
<http://zakon3.rada.gov.ua/laws/show/280/97-%D0%B2%D1%80/page2>
3. Law of Ukraine “On the Housing Fund for Social Purposes”  
<http://zakon3.rada.gov.ua/laws/show/3334-15>
4. Housing Code of the Ukrainian SSR  
<http://zakon2.rada.gov.ua/laws/show/5464-10>
5. Rules for registration of citizens, which need better housing and providing them with accommodation in the Ukrainian SSR  
<http://zakon2.rada.gov.ua/laws/show/470-84-%D0%BF>
6. Decisions on distribution of housing for IDPs in Kramatorsk of 03.05.2017  
[http://www.krm.gov.ua/UserFiles/dl/res\\_h\\_ispolkom/resh\\_isp\\_03.05.17\\_306.pdf](http://www.krm.gov.ua/UserFiles/dl/res_h_ispolkom/resh_isp_03.05.17_306.pdf)  
[http://www.krm.gov.ua/UserFiles/dl/resh\\_ispolkom/resh\\_isp\\_03.05.17\\_305.pdf](http://www.krm.gov.ua/UserFiles/dl/resh_ispolkom/resh_isp_03.05.17_305.pdf)  
[http://www.krm.gov.ua/UserFiles/dl/resh\\_ispolkom/resh\\_isp\\_03.05.17\\_304.pdf](http://www.krm.gov.ua/UserFiles/dl/resh_ispolkom/resh_isp_03.05.17_304.pdf)

<sup>4</sup> Address: 28A Svitlodarska and 8 Vokzalna Streets, Slovyansk

<sup>5</sup> <http://surdp.eu/en/Home-for-Homeless>

<sup>6</sup> Address: 3 Nazarenko, 5 Uralska and 160 Rybinska Streets, Kramatorsk

The Kramatorsk City Council's regulation concerning this project provides the list of vulnerability criteria according to the Law, additionally specifying IDP status, which entitles targeted beneficiaries to preferential treatment with respect to access to social housing. The Housing Distribution Commission and the Supervisory Council, with sufficient quota of non-governmental organisations' representatives, will ensure transparency and fairness, and minimise risk of corruption. This is the first successful case of social housing solutions for IDPs, as it displays the ability of local bodies of self-government to address most pressing issues at the local level without necessarily resorting to complex and time-consuming legislative procedures. In addition, through this project the community of Kramatorsk received water supply and sewage pumping station.

## Frequently asked questions

### 1. What is the difference between dormitories, social dormitories and social housing?

**Housing** is an apartment building, a flat or other premises intended and suitable for permanent residence. **Dormitories** are residential premises for temporary accommodation of workers, employees, in particular staff of universities and military staff, based in relevant cities and towns, students, pupils and others during work or study. Individuals living in dormitories for more than 5 years and without their own housing are entitled to privatize the residential unit owned by local communities. **Social dormitories** are residential premises for temporary accommodation of individuals without permanent residence, refugees, people in need of subsidiary protection, as well as individuals which were forced to leave their housing because of emergency, natural disaster or other reasons threatening the status and security of those premises. Social dormitories will be granted to those individuals which have no other housing and their total income is insufficient for purchase or rent of other premises. **Social housing** are residential premises for people in need of social protection, i.e individuals which have no other housing or are in need of improvement of their housing conditions, if their average total income for the previous year is less than the local rent and the minimum living wages, as well as residents of temporary shelters for adults, eligible for social security due to complete, partial or temporary disability, senior age, loss of a caretaker, unemployment due to circumstances beyond their control and other cases prescribed by law\*. The beneficiaries of any of these housing solutions may be requested to pay subsidised rent and utilities.

### 2. What are the state housing programmes available for IDPs?

The Cabinet of Ministers of Ukraine has introduced several programmes of preferential/subsidised loans for youth in need of improvement of their housing conditions, rural inhabitants working in local authorities, on farms or being deployed in the “anti-terrorist operation”, and individuals in need of improvement of their housing conditions by subsidised mortgages for construction or purchase of housing. The only Governmental Programme supported by state budget in 2016-2017, from which IDPs could benefit, the “Own House” programme for rural inhabitants did not work well because of lack of employment in rural areas and because of the profile of most IDPs, which come from highly industrialised regions. The legislative amendments introduced in April 2017, allowed for participation of IDPs in affordable housing programme (subsidised mortgages for construction or purchase of housing). Still, in addition to other eligibility criteria and programme limitations, the right to be included in the registry of individuals in need of improvement of housing (housing size below standard, poor sanitary or technical conditions, etc.) is reserved for residents of local community in question, which effectively excludes IDPs.

\*<http://zakon5.rada.gov.ua/laws/show/3334-15>



Contact: [ua.info@nrc.no](mailto:ua.info@nrc.no)

---